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S/N 10/674,698

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Vincent R. Palmere et al.	Examiner:	Carlos A. Azpuru
Serial No.:	10/674,698	Group Art Unit:	1615
Filed:	September 30, 2003	Docket No.:	60044.58USC4
Title:	METHODS AND COMPOSITIONS FOR RETARDING AND ERADICATING INFESTATION IN TREES AND TREE DERIVED PRODUCTS		

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 14, 2004.

By: Cyndee Krenos

Name: Cyndee Krenos

TERMINAL DISCLAIMER TO OBVIATE
A DOUBLE PATENTING REJECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

23552

PATENT TRADEMARK OFFICE

Dear Sir:

Petitioner, Nisus Corporation, a corporation organized and existing under the laws of the State of Tennessee and having its primary place of business at 100 Nisus Drive, Rockford, Tennessee, 37853, in the county of Blount, and the state of Tennessee, represents that it is the owner of the entire right, title and interest in U.S. Patent Application Serial No. 5,104,664, filed on May 24, 1990 and entitled METHODS AND COMPOSITIONS FOR RETARDING AND ERADICATING INFESTATION IN TREES AND TREE DERIVED PRODUCTS, by virtue of our assignment recorded at Reel 005483, Frame(s) 0236-0241. Attached herewith is a Certificate under 37 C.F.R. § 3.73(b) establishing Nisus Corporation's right as assignee to take action.

Petitioner, Nisus Corporation, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 5,104,664 and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 5,104,664, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors, or assigns.


In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the full statutory term as presently shortened by any terminal disclaimer of United States Patent No. 5,104,664, in the event that United States Patent No. 5,104,664 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims cancelled by a reexamination certification, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

For submissions on behalf of an organization (e.g. corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

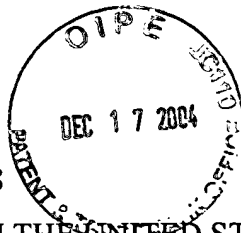
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 12/14/2004



Daniel M. Pauly
Attorney for Petitioner



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CERTIFICATE UNDER 37 C.F.R. § 3.73(b)

Nisus Corporation, a corporation organized and existing under the laws of the State of Tennessee, having a place of business at 100 Nisus Drive, Rockford, Tennessee, 37853, certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

- A. ☒ An assignment from the inventor(s), of the patent application identified above.
- The assignment was recorded in the Patent and Trademark Office on October 26, 1990, at Reel 005483, Frame(s) 0236-0241, or for which a copy is attached.
- B. ☐ A chain of title from the inventor(s) of the patent application identified above to the current assignee as shown below:
1. From: To:

The document was recorded in the Patent and Trademark Office at Reel ,
Frame(s) , or for which a copy thereof is attached.
2. From: To:

The document was recorded in the Patent and Trademark Office at Reel ,
Frame(s) , or for which a copy thereof is attached.

3. From: To:

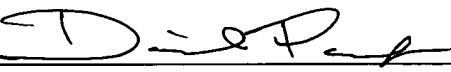
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Frame(s) , or for which a copy thereof is attached.

- ☐ Additional documents in the chain of title are listed on a supplemental sheet.
- ☐ Copies of assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to act on behalf of the
assignee.

I hereby declare that all statements made herein of my own knowledge are true, and
that all statements made on information and belief are believed to be true; and further, that these
statements are made with the knowledge that willful false statements, and the like so made, are
punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States
Code, and that such willful false statements may jeopardize the validity of the application or any
patent issuing thereon.

Date: 12/14/2004

By: 
Name: Daniel M. Pauly
Title: Attorney for Nisus Corporation

